srp.

HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2958 OF 2007.

The State of Maharashtra & Ors. ..Petitioners.
Versus.
C. S. Kumbhare. ..Respondent.

Mr. A. P. Vanarase, AGP for the petitioner.

Ms. Leena Patil h/f M. D. Lonkar for the respondent.

CORAM: S. B. MHASE &
R.S.MOHITE, JJ.
DATE: JUNE 13, 2007.

P.C.

1. Rule. Rule returnable forthwith with the consent of parties.

2. Original Application No. 581 of 2006 was filed by the respondent as against the petitioners for correction of the birth date. The Original Application was decided by order dated 11.12.2006. It was allowed in terms of paragraph no.6 of the impugned order which contains the direction to hold an enquiry for determination of the birth date. The said order passed by the Maharashtra Administrative Tribunal is challenged by the petitioner, namely, by the Government Department.

3. Today, when the petition is placed before this Court learned counsel Ms. Leena Patil h/f Mr. M. D. Lonkar for the respondent states that there are

instructions from Advocate Mr. Lonkar to make a statement that Original Application is not pressed and she may be allowed to withdraw the original application being O. A. No. 581 of 2006. She also made a statement that order passed in the said Original Application may be set aside.

4. Under these circumstances, we accept the statement made by the learned counsel for the respondent, and, therefore on the basis of the concession given by the learned counsel for the respondent we quash and set aside the impugned order dated 11.12.2006 passed in Original Application No. 581 of 2006. We further allow the respondent to withdraw the said original application, being O.A. No. 581 of 2006. With these directions and observations the petition is disposed of. Rule is made absolute.

(R.S.MOHITE, J.) **(S.B.MHASE, J.)**